

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

SCOTT USHER and ROBIN USHER,

Defendants.

4:13CR3057

MEMORANDUM AND ORDER

Defendant Scott Usher has moved to continue the status conference currently set for December 10, 2013. (Filing No. 24). Defendant Scott Usher needs additional time to pursue an evaluation, investigate the case, and review discovery. Accordingly,

IT IS ORDERED:

- 1) Defendant, Scott Usher's unopposed oral motion to continue the status conference, (Filing No. 24), is granted.
- 2) **As to both defendants**, a telephonic status conference will be held at 9:30 a.m. on January 10, 2014 before the undersigned magistrate. The court will provide call in instructions for participating in the conference.
- 3) Based upon the representations of counsel, the Court further finds that **as to both defendants**, the time between today's date and January 10, 2014 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7).

December 9, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge